

CALIFORNIA HORSE RACING BOARD  
1010 HURLEY WAY, SUITE 300  
SACRAMENTO, CA 95825



**REPORT OF THE BOARD OF STEWARDS  
DEL MAR THOROUGHBRED CLUB  
TO THE CALIFORNIA HORSE RACING BOARD**

HONORABLE ARNOLD SCHWARZENEGGER, GOVERNOR  
HONORABLE RICHARD B. SHAPIRO, CHAIRMAN  
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HONORABLE BO DEREK, MEMBER  
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HONORABLE JEROME S. MOSS, MEMBER  
KIRK BREED, EXECUTIVE DIRECTOR  
RICHARD "BON" SMITH, ASSISTANT EXECUTIVE DIRECTOR

Report of the Board of Stewards for the week of Wednesday, August 13, 2008 through Monday, August 18, 2008. Steward Tom Ward was the Reporting Steward for the enclosed period.

WEDNESDAY  
8/13/08

1 JOCKEY OMAR BARRIO RULING

**Ruling DMTD # 56**

Jockey OMAR BERRIO is suspended one-hundred and eighty (180) days, from August 13, 2008 through February 8, 2009 for violation of California Horse Racing Board rules #1484 (Evidence of Unfitness for License) and # 1874 (Disorderly Conduct: Illegal Substances – Cocaine) on May 21, 2008 and August 10, 2008, respectively. Prior to the reinstatement of his license privileges, OMAR BERRIO must show proof of completion of an in-house rehabilitation program acceptable to the Board of Stewards and appear for a fitness for license hearing.

During the term of this suspension all licenses and license privileges of OMAR BERRIO are suspended and pursuant to California Horse Racing Board rule #1528 (Jurisdiction of Stewards) subject is denied access to all premises within this jurisdiction.

This ruling was issued after Berrio had appeared to discuss the details of his being denied a license in New York due to a positive test finding for cocaine in June. The rider had no excuse for the positive test and admitted to using the drug. He said it helped him maintain his weight. Also discussed was his arrest for a DUI and the subsequent discovery of cocaine on his person during a “pat down” by Monrovia Police during booking. At the conclusion of the hearing on Sunday, Berrio was asked to submit to a drug test. He did so, with the results showing positive for cocaine.

## 2 JOCKEY RULINGS

### **Ruling DMTD #57**

Jockey RAFAEL BEJARANO is fined five hundred dollars (\$500.00)\* for violation California Horse Racing Board Rule # 1874 (Disorderly Conduct – Altercation in Jockey’s Room) following the eighth and ninth races on August 10, 2008 at Del Mar Thoroughbred Club.

### **Ruling DMTD #58**

Jockey VICTOR ESPINOZA is fined five hundred dollars (\$500.00)\* for violation California Horse Racing Board Rule # 1874 (Disorderly Conduct – Altercation in Jockey’s Room) following the eighth and ninth races on August 10, 2008 at Del Mar Thoroughbred Club.

These rulings were issued after both had been interviewed separately regarding their altercation in the Jockeys’ Room following the ninth race this past Sunday. There were apparently two incidents, the first being after the eighth race where Bejarano was awarded the Win after Espinoza’s mount was disqualified for interference. The two got into a verbal exchange in the room, culminating with Espinoza throwing a punch to Bejarano’s head. Bejarano admitted that he was the aggressor in the incident after the last race, stating he had to stand up to Espinoza or perhaps lose face with his peers. Espinoza said they did have words after the eighth race but left out the physical part of the incident. He portrayed Bejarano as the catalyst to the second incident but did admit his part in the fracas.

## 3 JOCKEY OBJECTION – NO CHANGE

The objection sign was posted after the eighth race as jockey Julio Garcia (2nd, #4 Brave Sun) lodged a claim of foul against Garrett Gomez (1<sup>st</sup>, #6 The Supply Program). Garcia felt his horse had been forced off of its path approaching the finish.

After speaking with the riders involved, taking into account reports from the Patrol Judges and reviewing video of the incident the Stewards, by majority vote (Mr. Winick dissenting), allowed the original order of finish to stand. While there was a shift to the outside from the winner which forced Brave Sun off of its path it was the Stewards’ determination that the incident did not deprive the horse a chance at a better placing. Gomez will review the race tomorrow.

## 4 PROGRAM CHANGES AND A. M. DECLARATIONS

1<sup>st</sup> race - #5 Scorewithcater (Vet-sick) refund of \$1,396.00

3<sup>rd</sup> race - #6 No Prodigal (Vet-sick) refund of \$1,209.80

5<sup>th</sup> race - #6 Cubs Molina (Vet-sick) refund of \$267.70

5      ATTENDANCE AND HANDLE

Total Refund: \$2,873.50	Del Mar on Track	10,475	Off Track	\$2,728,639.10
No Minus Pool	Off Track	6,567	Out of State	\$4,742,366.90
	Total Attendance	17,042	<u>Del Mar Total</u>	<u>\$1,469,721.70</u>
			Total	\$8,940,727.70

THURSDAY

08/14/08

1      JOCKEY GARRETT GOMEZ RULING

**Ruling DMTD #59**

Jockey GARRETT GOMEZ, who rode “THE SUPPLY PROGRAM” in the eighth race at Del Mar Thoroughbred Club on Wednesday, August 13, 2008 is suspended for three (3) racing days (August 21<sup>st</sup>, 22<sup>nd</sup>, and 23<sup>rd</sup> 2008) for failure to make the proper effort to maintain a straight course in the stretch and causing interference, which is a violation of California Horse Racing Board Rule # 1699 (Riding Rules – Careless Riding).

The terms of this suspension shall not prohibit participation in designated races in California

This ruling was issued after the rider had viewed video of the eighth race from 8-13, in which his mount was the subject of a jockey’s objection. Gomez felt he had made a proper effort to straighten his mount, but the Stewards, by majority vote (Ward dissenting), were of the opinion that he could have reacted sooner.

2      VIDEO REVIEW

Apprentice jockey Michael Martinez was in the office this morning to review the fourth race from 8-13, in which his mount was responsible for interference on the far turn of the one mile and one sixteenth turf event. After a thorough review of the race from all pertinent angles, the Stewards voted to give the rider a “pass” as blame was placed on Martinez’ horse, which ducked out over the heels of a competing horse.

3      JOCKEY OBJECTION – NO CHANGE

The objection sign was posted after the fourth race as Tyler Baze (8<sup>th</sup>, #5 Princess Traci) lodged a claim of foul against Rafael Bejarano (3<sup>rd</sup>, #2 Lunar Mystery) for interference on the far turn. Baze felt his chances were compromised when Bejarano’s horse came out shortly after passing the 3/8 pole.

After speaking with the riders involved, taking into account reports from the Patrol Judges and reviewing video of the incident the Stewards unanimously voted to make no change in the placings. Video review could not establish responsibility for the interference, which caused Baze to steady briefly.

4      PROGRAM CHANGES AND A.M. DECLARATION

5<sup>th</sup> race - #5 Dave’s Revenge (Vet-sick) refund of \$1,196.70

5      ATTENDANCE AND HANDLE

Total Refund: \$1,789.90	Del Mar on Track	10,224	Off Track	\$2,786,742.70
No Minus Pool	<u>Off Track</u>	<u>6,634</u>	Out of State	\$4,679,334.12
	Total Attendance	16,858	<u>Del Mar Total</u>	<u>\$1,603,633.80</u>
			Total	\$9,069,710.62

FRIDAY

08/15/08

1      ROUTINE AFTERNOON

All matters during the course of the racing program were routine.

2      PROGRAM CHANGES AND A.M. DECLARATION

4<sup>th</sup> race- #5 Good N Muddy (Vet-injured)  
#9 Mistisized (Also eligible) refund of \$444.88

6<sup>th</sup> race - #3 Echezeaux (Vet-unsound) refund of \$974.80

7<sup>th</sup> race - #10 Bitterbutsweet (Vet-sick) refund of \$381.40

8<sup>th</sup> race - #3 Veridicus (Vet-injured) refund of \$1,669.60,

3      ATTENDANCE AND HANDLE

Total Refund: \$3,470.68	Del Mar on Track	17,643	Off Track	\$2,951,152.20
No Minus Pool	<u>Off Track</u>	<u>6,747</u>	Out of State	\$5,950,320.32
	Total Attendance	24,390	<u>Del Mar Total</u>	<u>\$1,845,232.70</u>
			Total	\$10,746,705.22

SATURDAY

08/16/08

1      RIDERS EXCUSED

Jockey Richard Migliore was excused from his mounts at this venue today as travel connections from New York fell through. Replacement riders were named. Tyler Baze was also excused this afternoon as he suffered an injury during training hours and could not complete his engagements. Replacement riders were named.

2      TRAINER MARCELO POLANCO RULING

**Ruling DMTD # 60**

Trainer MARCELO POLANCO, who started the horse "Only First Class", the third place horse in the

third race at Del Mar on July 19, 2008, pursuant to California Horse Racing Board rule # 1887 (Trainer to Insure Condition of Horse), is fined FIVE HUNDRED DOLLARS\* (\$500.00) for violation of California Horse Racing Board rule #1844 (c) (more than one approved drug substance – Phenylbutazone and Flunixin).

This ruling was issued after Mr. Polanco was in the office to respond to a complaint filed against him for violation of California Horse Racing Board rule #1844(C)(more than one approved NSAID). The trainer had no explanation for the findings, stating that while the horse did receive Phenylbutazone prior to the race, he has no Flunixin in his barn. He accepted responsibility for the findings.

### 3 EXERCISE RIDER GABRIEL S. ESCALONA RULING

#### **Ruling DMTD # 61**

Exercise Rider GABRIEL S. ESCALONA, having complied with the provisions of ruling # 15, issued at Bay Meadows Racing Association on May 19, 2006, is restored to good standing with the following conditions:

1. Subject shall be placed on probation for a period of one year from the date of this ruling (August 16, 2009).
2. Subject shall submit to random testing when requested by the California Horse Racing Board.
3. Subject shall sign a contract with Winners Foundation and shall comply with guidelines as set forth by that organization.

The preceding ruling was issued after Mr. Escalona, in the company of Winners Foundation representative Bob Fletcher, provided documentation as required by the ruling issued by the Stewards at Bay Meadows in 2006. Escalona has an excellent reputation in his field and will return to the employ of trainer John Sadler.

### 4 JOCKEY EDDIE MARTIN JR. RULING

#### **Ruling DMTD #62**

Jockey EDDIE MARTIN, JR., who rode “DUBAI MAJESTY” in the seventh race at Del Mar Thoroughbred Club on Friday, August 15, 2008 is suspended for three (3) racing days (August 23<sup>rd</sup>, 24<sup>th</sup>, and 25<sup>th</sup>, 2008) for failure to make the proper effort to maintain a straight course in the stretch, causing interference. This constitutes a violation of California Horse Racing Board Rule # 1699 (Riding Rules – Careless Riding).

The terms of this suspension shall not prohibit participation in designated races in California.

This ruling was issued after Martin had viewed video of the seventh race from 8-15, in which his mount was responsible for interference near the finish. The rider made no excuse and acknowledged that he could have made a better effort to present interference.

5 PROGRAM CHANGES AND A. M. DECLARATIONS

6<sup>th</sup> race - #3 Watsnewpusssykat (Vet-sick)  
#5 Telling Stories (Vet-injured) refund of \$1,297.90

9<sup>th</sup> race - #2 Elusive Chief (Vet-injured)  
#7 Turko Sky (Vet-unsound) refund of \$2,234.50

6 ATTENDANCE AND HANDLE

Total Refund: \$6,200.80	Del Mar on Track	22,324	Off Track	\$5,296,785.50
No Minus Pool	Off Track	11,426	Out of State	\$7,758,237.74
	Total Attendance	33,750	Del Mar Total	\$2,825,639.50
			Total	\$15,880,662.74

SUNDAY  
08/17/08

1 ROUTINE AFTERNOON

All matters during the course of the racing program were routine.

2 PROGRAM CHANGES AND A.M. DECLARATIONS

4<sup>th</sup> race - # 6 Paradise Isle (Vet-sick) refund of \$1,741.06

6<sup>th</sup> race - #10 Reggae Revolution (Vet-sick) refund of \$781.42

7<sup>th</sup> race - #3 Exquisite Beauty (Stakes)  
#10 Lethal Heat (Stakes) refund of \$4,316.16

ATTENDANCE AND HANDLE

Total Refund: \$6,838.64	Del Mar on Track	15,308	Off Track	\$5,072,529.40
No Minus Pool	Off Track	11,383	Out of State	\$7,109,424.62
	Total Attendance	26,691	Del Mar Total	\$2,445,346.20
			Total	\$14,627,300.22

MONDAY  
08/18/08

1 RIDER EXCUSED

Aaron Gryder was excused from his first mount this afternoon as he was delayed in returning from the Los Angeles area. A replacement rider was named.

## 2 STEWARDS' LIST

The Stewards were in receipt of a call from trainer Clyde Veltmann, who is racing in Arizona and New Mexico, stating that the horse American Symphony, scheduled to race in the sixth race Wednesday, is the subject of litigation in New Mexico and should not race. A check of Board records indicated that the horse had been on the Stewards' list for "ownership" but had been removed after the complaint, which prompted the horse's inclusion on the list was withdrawn. Further investigation revealed an e-mail from Executive Director Kirk Breed led to the horse being placed on the Stewards' List. The horse will be scratched and the connections will be notified.

## 3 TRAINER OBJECTION – NO CHANGE

The objection sign was posted after the third race as trainer Barry Abrams, the trainer of #1 Seany's Courage(4<sup>th</sup>), lodged a claim of foul against Rafael Bejarano (3<sup>rd</sup>, #2 Hidden Trail) for interference in the stretch.

After speaking with the riders involved, taking into account reports from the Patrol Judges and reviewing video of the race the Stewards unanimously voted to make no change in the original placings. Video of the stretch run clearly showed that while Hidden Trail was clearly lugging in, there was never room for Seany's Courage to move between horses.

## 4 PROGRAM CHANGES AND A. M. DECLARATIONS

1<sup>st</sup> race - #4 Oro Blanco(Vet-sick) refund of \$934.00

6<sup>th</sup> race - #1 Atlantra's Tantrum (Vet-injured)  
#6 Boot Cut (Vet-sick) refund of \$3,943.00

## 5 ATTENDANCE AND HANDLE

Total Refund: \$4,877.80	Del Mar on Track	7,871	Off Track	\$2,213,814.50
No Minus Pool	<u>Off Track</u>	<u>5,858</u>	Out of State	\$3,911,048.00
	Total Attendance	13,729	<u>Del Mar Total</u>	<u>\$1,117,993.70</u>
			Total	\$7,242,856.20

**CALIFORNIA HORSE RACING BOARD**

**SUMMARY**

	Wed 8 - 13	Thurs 8 -14	Fri 8 -15	Sat 8 -16	Sun 8 -17	Mon 8 - 18	Week Total	Meet Total
Accidents	0	0	0	0	0	0	0	2
Cal-Bred Races	0	1	3	2	2	0	8	43
Claims	2	9	6	2	1	4	24	150
Inquiries	0	0	0	0	0	0	0	9
Objections	1	1	0	0	0	1	3	8
Disqualifications	0	0	0	0	0	0	0	3
Refunds	3	1	4	2	3	2	15	160
Rulings	3	1	0	3	0	0	7	62

Respectfully submitted,

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Tom Ward (Steward)

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C. Scott Chaney (Steward)

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Randy Winick (Steward)